IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 4814 of 2005

Between:

P.Ayyanna, s/o P.Ch.Narayana,
Nallakalva Post, Atmakur Mandal, Kurnool District.

..... PETITIONER

AND

1 The Depot Manager, APSRTC, Banaganapalli Depot, Kurnool

District.
2 The Regional Manager, APSRTC, Kurnool, Kurnool District.
3 The Vice-Chairman cum Managing Director APSRTC,

Musheerabad, RTC 'X' Roads, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or order or direction more particularly one in the nature of writ of mandamus to declare the proceedings No.E2/785(3)/99 RM-q dated 13-2-2001 of the 2nd respondent as illegal, arbitrary, unjustified, unsustainable, unreasonable contrary to the Section 47 of the Persons with Disabilities (Equal Opportunities of Rights and Full participation) Act 1995 and set-aside the same and consequently direct the respondents to consider the case of the petitioner and provide suitable alternative employment in terms of section 47 of the Persons with Disabilities (Equal Opportunities of Rights and Full Participation)Act, 1995 and pass such other and further order or orders.

Counsel for the Petitioner:MR.A.RAMA RAO

Counsel for the Respondent Nos.1 to 3: MR.P.VINAYAKA SWAMY (SC for

APSRTC.)

The Court at the admission stage made the following :

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ORDER:

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The petitioner worked as a driver in the Respondents-Corporation and while he was on duty, he met with an accident resulting in disability and making him unfit to continue in the post of the driver. Thereafter, he was discharged from the post of the driver. Subsequently, he made an application to the respondents to provide an alternative employment in terms of Section 47 of the Persons with Disabilities (Equal opportunities of Rights and Full Participation) Act, 1995 (for short ' the act'). When the respondents did not pass any orders on the said application, he filed W.P.No.6292 of 1999, in which a direction was given by this Court on 9-11-2000 to the respondents to pass appropriate orders on the representation of the petitioner and to consider his case for alternative employment under Section 47 of the Act within a period of three months from the date of receipt of a copy of that order. Subsequently, the respondents issued proceedings dated 13-02-2001 wherein it was mentioned that the petitioner is not entitled for alternative job since the disability suffered by him is only 25% and unless the disability is more than 40% he is not entitled for alternative employment under Section 47 of the Act. It was also observed that the petitioner's case for alternative employment will be considered according to his seniority depending upon vacancy position.

The learned counsel for the petitioner placed reliance on the judgment of the Supreme Court reported in ***KUNAL SINGH V. UNION OF INDIA*** wherein it was held that an employee, who had acquired disability within the meaning of Section 2(i)(v) of the Act, is entitled to the benefit of Section 47 of the Act and he cannot be denied for alternative employment on the ground that he has been

granted invalid pension.

In the light of the said judgment, the respondents are bound to provide alternative employment to the petitioner under Section 47 of the Act.

The Writ Petition is accordingly allowed. The respondents are directed to implement the provisions covered by Section 47 of the Act and to provide alternative employment to the petitioner within a period of three months from the date of receipt of a copy of this order. No costs.

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26-04-2005

sj

To

1 The Depot Manager, APSRTC, Banaganapalli Depot, Kurnool

District.
2 The Regional Manager, APSRTC, Kurnool, Kurnool District.
3 The Vice-Chairman cum Managing Director APSRTC,

Musheerabad, RTC 'X' Roads, Hyderabad.

4. Two C.D. copies.